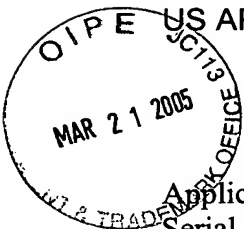


RESPONSE
US APPLN. NO. 10/686,755

THW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Application of: LLINAS-BRUNET, M., et al.) Art Unit: 1654
Serial No.: 10/686,755) Examiner: Marcela M. Cordero Garcia
Conf. No.: 8698)
Filed: 10/16/2003
For: Macrocyclic Peptides Active Against The Hepatitis C Virus
Docket No.: 13/117

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 17, 2005

By: 
Philip I. Datlow
Reg. No. 41,482

RESPONSE

Sir:

This is in response to the Office Action dated February 18, 2005, setting forth a 1 month period for reply. At page 2 of the office action, the examiner sets forth a restriction requirement in 2 groups:

- I. Claims 1-15, drawn to a compound of formula (I)
- II. Claims 16-28, drawn to a method of treating Hepatitis C viral infection

At page 4, the examiner also requires an election of species of formula (I), i.e. a compound of formula (I) with R¹ being a specific moiety..

In response, Applicants herein elect Group I, with compound 102 from the table of compounds at page 35 as the elected species (R^1 is cyclopropyl). Claims 1-6, 8 and 10-28 read upon this elected species, a composition thereof, or its method of use. This election is made with traverse.

Applicants traverse the election of species requirement. Applicants submit that, at the very least, the compounds of formula (I) as depicted in claim 1 constitute a proper Markush Group of compounds as they all share a common substantial structural core and all share a common utility as HCV NS3 protease inhibitors useful for treating HCV infection. Accordingly, Applicants elect a single disclosed species herein on the understanding that this is done only to facilitate initial search and examination, but that this application will be generically examined in accordance with the USPTO's Markush Practice as outlined in MPEP 803.02 in the event that the elected species is found to be patentable.

Applicants appreciate the Examiner's acknowledgment (at pg. 3 of the Office Action) that the USPTO's Rejoinder Practice (MPEP 821.04) is applicable to the present application. In the event that the product claims of Group I are found to be allowable, Applicants request that the process (method) claims of Group II be rejoined in the examination under Rejoinder Practice since all these process claims depend from the product claims of Group I.

In view of the above remarks, Applicants respectfully submit that this application is now in condition for early examination. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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